

Private Detectives Licensing Board

Licensure Law and Regulations

A compilation from the Indiana Code
and Indiana Administrative Code

2006 Edition



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NOTICE: This compilation incorporates the most recent revisions of the statutory provisions and administrative rules governing the professions of private detectives and polygraph examiners, as of July 1, 2006. Note that this compilation is not an official version of the Indiana Code. It is distributed as a general guide to professionals regulated by the Indiana Professional Licensing Agency. It is not intended to be offered as legal advice, and it may contain typographical errors. Neither the Private Detectives Licensing Board, nor the Indiana Professional Licensing Agency are able to provide legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, contact your nearest public library.

PRIVATE DETECTIVES LICENSING BOARD

July 2006 Edition

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INDIANA CODE § 25-30

ARTICLE 30. PRIVATE DETECTIVES AND
POLYGRAPH EXAMINERS

INDIANA CODE § 25-30-1

Chapter 1. Private Detectives Licensing

IC 25-30-1-1 Short title

Sec. 1. This chapter may be cited as the "Detective License Law."

(Formerly: Acts 1961, c.163, s.1.) As amended by Acts 1982, P.L.154, SEC.87.

IC 25-30-1-1.2 Law enforcement officer exemption

Sec. 1.2. This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of private detective as an individual with the assistance of a licensed or unlicensed person.

As added by P.L.186-1990, SEC.10. Amended by P.L.214-1993, SEC.67; P.L.157-2006, SEC.67.

IC 25-30-1-2 Definitions

Sec. 2. As used in this chapter:

- (1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.
- (2) "Licensee" means a person licensed under this chapter.
- (3) "Private detective" means a person who conducts a private detective business with or without the assistance of an employee.
- (4) "Private detective business" means the business of:
 - (A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:
 - (i) a crime against the state or wrongs done or threatened;
 - (ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;
 - (iii) credibility of witnesses or other persons;
 - (iv) the location or recovery of lost or stolen property;
 - (v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or
 - (vi) the truth or falsity of a statement or representation;
 - (B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or
 - (C) furnishing, for hire or reward, a guard or guards or other persons to protect persons or property or to prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers.

(5) "Industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(6) "Board" refers to the private detectives licensing board established under section 5.1 of this chapter.

(7) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-5.

(8) "Resident" means a person who has established an actual domicile in Indiana.

(Formerly: Acts 1961, c.163, s.2; Acts 1965, c.162, s.1; Acts 1967, c.171, s.1.) As amended by Acts 1982, P.L.154, SEC.88; P.L.261-1987, SEC.1; P.L.234-1989, SEC.5; P.L.214-1993, SEC.66; P.L.236-1995, SEC.46; P.L.1-2006, SEC.474.

IC 25-30-1-3 Necessity of license

Sec. 3. It shall be unlawful for a person, partnership, or corporation to engage in the business of private detective, or to solicit or advertise for business as a private detective, or represent or hold the person, partnership, or corporation out to be a private detective unless the person, partnership, or corporation is licensed under this chapter and complies with this chapter and rules adopted under this chapter.

(Formerly: Acts 1961, c.163, s.3.) As amended by Acts 1982, P.L.154, SEC.89; P.L.234-1989, SEC.6.

IC 25-30-1-4 Repealed

(Repealed by P.L.214-1993, SEC.91.)

IC 25-30-1-5 Exceptions to licensing requirements

Sec. 5. This chapter does not require any of the following persons to be a licensee:

- (1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.
- (2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.
- (3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client has an interest in or a lien upon.
- (4) An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.
- (5) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.
- (6) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in

Indiana and is complying with the laws regulating insurance companies in Indiana.

(7) Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.

(8) An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.

(9) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(10) A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.

(11) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

(12) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

(13) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

(14) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

(Formerly: Acts 1961, c.163, s.5.) As amended by Acts 1982, P.L.154, SEC.91; P.L.261-1987, SEC.2; P.L.234-1989, SEC.7; P.L.245-1995, SEC.1; P.L.42-1999, SEC.1.

IC 25-30-1-5.1 Private detectives licensing board; establishment; membership; term; removal; vacancy; compensation

Sec. 5.1. (a) The private detectives licensing board is established.

(b) The board consists of the superintendent of the state police department or the superintendent's designee and the following six (6) members appointed by the governor from different geographic regions of Indiana as determined by the governor:

- (1) Two (2) private detectives licensed under this chapter who are associated with a private detective business that employs less than fifteen (15) persons.
- (2) One (1) private detective licensed under this chapter who is associated with a private detective business that employs at least fifteen (15) persons.
- (3) One (1) local law enforcement official.
- (4) One (1) person who is not associated with the private detective business other than as a consumer.
- (5) One (1) private detective licensed under this chapter who is a sole practitioner.

(c) A member of the board appointed by the governor serves a two (2) year term.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) If an appointed member cannot finish the member's term or is removed by the governor, the governor shall appoint a successor to serve for the remainder of the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.234-1989, SEC.8. Amended by P.L.1-1990, SEC.254.

IC 25-30-1-5.3 Election of president and vice president

Sec. 5.3. The board shall, at its first meeting of each year, elect a president and a vice president from among its membership by a majority vote of all the members of the board.

As added by P.L.234-1989, SEC.9. Amended by P.L.214-1993, SEC.68.

IC 25-30-1-5.5 Rules

Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this chapter.

As added by P.L.234-1989, SEC.10.

IC 25-30-1-6 Powers and duties of licensing agency

Sec. 6. The licensing agency shall assist the board by performing administrative functions under this chapter.

(Formerly: Acts 1961, c.163, s.6.) As amended by Acts 1982, P.L.154, SEC.92; P.L.234-1989, SEC.11.

IC 25-30-1-7 Application for license

Sec. 7. (a) An application for license as a private detective must be on a form prescribed by the board accompanied by the license fee established by the board under IC 25-1-8.

(b) The application shall be verified and shall include the following:

- (1) The full name and business address of the applicant.
- (2) The name under which the applicant intends to do business as a private detective.
- (3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.
- (4) Other information, evidence, statements, or documents required by the board.

(Formerly: Acts 1961, c.163, s.7.) As amended by Acts 1982, P.L.154, SEC.93; P.L.234-1989, SEC.12; P.L.194-2005, SEC.74.

IC 25-30-1-8 Qualifications for license; grounds for denial

Sec. 8. (a) Before the application for a license is granted the applicant must meet all of the following:

- (1) Be at least twenty-one (21) years of age.
- (2) Be a resident of Indiana for at least one (1) year, except for firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter.
- (3) Have:
 - (A) experience in private detective work under a licensee, or its equivalent;
 - (B) law enforcement experience;
 - (C) a degree in criminal justice; or
 - (D) any other experience relevant to the private detective business;as determined by the board.

(b) If the applicant is a corporation or a partnership, one (1) officer in the case of a corporation, or one (1) partner in the case of a partnership, must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant has not, or if a partnership or corporation, that the officer or partner in subsection (b) has not:

- (1) committed an act, which, if committed by a licensee would be ground for the suspension or revocation of a license under this chapter;
- (2) been convicted of a:
 - (A) felony; or
 - (B) a misdemeanor that has a direct bearing upon the applicant's ability to practice competently;
- (3) been refused a license under this chapter or had a license revoked; or
- (4) while unlicensed, committed, or aided and abetted commission of an act for which a license is required by this chapter.

(Formerly: Acts 1961, c.163, s.8.) As amended by Acts 1978, P.L.2, SEC.2549; P.L.261-1987, SEC.3; P.L.234-1989, SEC.13; P.L.214-1993, SEC.69.

IC 25-30-1-9 Continuation of business after death of licensee

Sec. 9. (a) Upon the death of an individual licensed under this chapter, the business with which the decedent was connected may be carried on for a period of ninety (90) days by the following:

- (1) In the case of an individual licensee the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.
- (2) In case of a partner, the surviving partners.
- (3) In case of an officer of a firm, company, association, organization, or corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon the authorization of the board, the business may be carried on for a further period of time when necessary to complete an investigation or assist in litigation pending at the death of the decedent.

(c) Nothing in this section authorizes the solicitation or acceptance of business after the death of the decedent except as provided by this chapter.

(d) Nothing in this section shall be construed to restrict the sale of a private detective business if the vendee qualifies

for a license under this chapter.

(Formerly: Acts 1961, c.163, s.9.) As amended by Acts 1982, P.L.154, SEC.94; P.L.234-1989, SEC.14.

IC 25-30-1-10 Form of license; display; identification card; change of address; assignment of license

Sec. 10. (a) A license, when issued, shall be in a form determined by the board and shall include the following:

- (1) The name of the licensee, or the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.
- (2) The name under which the licensee is to operate.
- (3) The number and date of the license.
- (4) Other information the board deems necessary.

(b) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(c) Upon the issuance of a license, a pocket card of a design determined by the board shall be issued without charge to each licensee other than a corporation. If the licensee is a corporation or partnership, the pocket card must be issued to each officer, partner, and manager of the corporation or partnership who also meet the requirements under section 8 of this chapter. Each individual who is issued a pocket card under this subsection shall affix an appropriate picture to the pocket card, and in addition to the picture the pocket card shall also contain a fingerprint of the forefinger of the licensee. When a license is revoked, the pocket card shall be surrendered and, within five (5) days after revocation, shall be mailed or delivered by the licensee to the board for cancellation.

(d) The board shall furnish each of the licensee's employees, except office employees, with an identification card. The identification card shall contain a recent picture of the employee, the employee's name, the licensee's name and address, the license number of the employee's employer, and a thumbprint of the employee. The licensee shall affix each employee's picture and thumbprint to the identification card.

(e) A licensee shall, within thirty (30) days after a change, notify the board of any changes of the licensee's address, of the name under which the licensee does business, and of a change of the licensee's officers, directors, members, or partners.

(f) A license issued under this chapter is not assignable and is personal to the licensee.

(Formerly: Acts 1961, c.163, s.10.) As amended by Acts 1982, P.L.154, SEC.95; P.L.234-1989, SEC.15; P.L.214-1993, SEC.70; P.L.236-1995, SEC.47.

IC 25-30-1-11 Employees of licensee

Sec. 11. (a) A licensee may employ, to assist the licensee in the licensee's business as a private detective, as many unlicensed persons as may be necessary. The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

- (1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

(Formerly: Acts 1961, c.163, s.11.) As amended by Acts 1978, P.L.2, SEC.2550; P.L.234-1989, SEC.16; P.L.214-1993, SEC.71; P.L.236-1995, SEC.48.

IC 25-30-1-12 Repealed

(Repealed by P.L.35-1984, SEC.10.)

IC 25-30-1-13 Advertisements

Sec. 13. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.
(Formerly: Acts 1961, c.163, s.13.) As amended by P.L.234-1989, SEC.17.

IC 25-30-1-14 Nonresidents; resident licensee

Sec. 14. (a) It shall be unlawful for a person licensed by any other state to do business in Indiana unless the person is authorized to do business in Indiana. A person may not do business in Indiana until the person is licensed with the board and meets the requirements for licensees of this state, except the residence requirement of one (1) year. In addition, an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license.

(b) A person licensed under this section must have a resident licensee:

(1) whose name and license number appear on the license for the private detective business; and

(2) who, in writing to the board, assumes full responsibility for the following:

(A) All the employees of the private detective business.

(B) Maintaining all records required under this chapter in an Indiana location.

(C) Assuring compliance with this chapter.

(c) The resident licensee is responsible for informing the board, in writing, of the following:

(1) When the relationship with an out-of-state licensee is terminated.

(2) Where records are maintained by the resident licensee.

(d) This section does not relieve a licensee of responsibility for complying with this chapter.

(Formerly: Acts 1961, c.163, s.14.) As amended by P.L.234-1989, SEC.18; P.L.214-1993, SEC.72.

IC 25-30-1-15 Insurance; surety bond

Sec. 15. (a) An applicant for a private detective license who employs more than fourteen (14) others must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) liability per occurrence.

(b) An applicant for a private detective license who employs less than fifteen (15) others must do one (1) of the following:

(1) Post with the board a surety bond that:

(A) names the applicant as the principal;

(B) obligates the surety in the amount of seven thousand dollars (\$7,000) to the board in favor of the state;

(C) requires the principal, if granted a license, to conduct the business of private detective faithfully and honestly and to observe all Indiana statutes; and
(D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

(2) Submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) per liability occurrence.

(c) The insurance referred to in subsections (a) and (b)(2):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private detective;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(d) Every licensee who employs at least fifteen (15) others shall at all times maintain in force the insurance referred to in subsection (a). Upon a licensee's failure to comply with this subsection, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(e) Every licensee who employs less than fifteen (15) others shall at all times maintain in force a surety bond on file with the board under subsection (b)(1) or maintain in force the insurance provided by subsection (b)(2). Upon a licensee's failure to comply with this subsection, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance or surety bond.

(f) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance or the surety bond requirements of this section for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

(g) A surety bond posted with the board under this section may be canceled by the surety thirty (30) days after the

surety gives the board written notice of its intent to cancel the bond. However, the cancellation of a bond under this subsection does not terminate the liability of the surety on the bond in connection with any action commenced before the cancellation of the bond.

(Formerly: Acts 1961, c.163, s.15.) As amended by Acts 1982, P.L.154, SEC.97; P.L.261-1987, SEC.4; P.L.157-1988, SEC.1; P.L.234-1989, SEC.19; P.L.214-1993, SEC.73.

IC 25-30-1-16 Expiration and renewal of license

Sec. 16. (a) Unless a license is renewed, a license and the identification cards of the licensee's employees issued under this chapter expire on a date specified by the licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A licensee desiring a renewal license must:

- (1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and
- (2) meet the license renewal requirements determined by the board.

(d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

- (1) Files an application for renewal with the board.
- (2) Meets the license requirements determined by the board.
- (3) Pays a fee established under IC 25-1-8-6.

(e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

(Formerly: Acts 1961, c.163, s.16.) As amended by Acts 1982, P.L.154, SEC.98; P.L.234-1989, SEC.20; P.L.214-1993, SEC.74; P.L.194-2005, SEC.75; P.L.157-2006, SEC.68..

IC 25-30-1-17 Fees

Sec. 17. (a) The board shall charge and the licensing agency shall collect the fees established by the board under IC 25-1-8.

(b) All fees collected under this chapter shall go into the general fund and shall be accounted for by the licensing agency.

(Formerly: Acts 1961, c.163, s.17.) As amended by Acts 1982, P.L.154, SEC.99; P.L.5-1988, SEC.137; P.L.234-1989, SEC.21; P.L.214-1993, SEC.75; P.L.194-2005, SEC.76.

IC 25-30-1-18 Administrative proceedings; violation of professional standards; sanctions against licensees

Sec. 18. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5 and the board has all powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee

under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or portion of a building.

(2) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, has committed or permitted an employee to commit an act that would be cause for suspension or revocation of a license, or grounds for the denial for the application for a license.

(4) Committed an act that is ground for a denial for an application for a license under this chapter.

(Formerly: Acts 1961, c.163, s.18.) As amended by Acts 1978, P.L.2, SEC.2551; P.L.7-1987, SEC.127; P.L.234-1989, SEC.22; P.L.214-1993, SEC.76.

IC 25-30-1-19 Carrying weapons

Sec. 19. Nothing in this chapter shall be construed to authorize any licensee to carry any weapon.

(Formerly: Acts 1961, c.163, s.19.) As amended by P.L.3-1989, SEC.147.

IC 25-30-1-19.5 Action to collect fees; burden of proving licensure or exemption

Sec. 19.5. A person who files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose the person was not in violation of section 22 of this chapter.

As added by P.L.214-1993, SEC.77.

IC 25-30-1-20 Prosecuting attorneys; reporting violations

Sec. 20. It shall be the duty of a prosecuting attorney to whom the board reports a violation of this chapter to cause proceedings to be commenced against a person violating this chapter and to prosecute the person to final termination. *(Formerly: Acts 1961, c.163, s.20.) As amended by P.L.234-1989, SEC.23.*

IC 25-30-1-21 Violations; fines; separate offenses; complaints

Sec. 21. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A misdemeanor.

(b) A person who is not exempt under section 5 of this chapter, who does not have a private detective license, and who:

- (1) engages in the private detective business;
- (2) solicits or advertises for business as a private detective; or
- (3) in any way represents to be a private detective; commits a Class A infraction.

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. Notwithstanding

IC 34-28-5-4(a), the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) acted as a private detective;
- (2) solicited or advertised for business as a private detective; or
- (3) represented to be a private detective; without a private detective license.

(Formerly: Acts 1961, c. 163, s. 21.) As amended by Acts 1978, P.L. 2, SEC. 2552; P.L. 214-1993, SEC. 78; P.L. 1-1998, SEC. 134.

IC 25-30-1-22 Activities by unlicensed persons; show cause notice; cease and desist order

Sec. 22. (a) If the board determines that a person who is not licensed or exempt under this chapter is engaged in activities that require a license, the board may send a notice of hearing requiring the person to show cause why the challenged activities are not a violation of this chapter. The notice must be in writing and include the following information:

- (1) The date, time, and place of the hearing.
- (2) The alleged violation.
- (3) That the affected person or the person's representative may present evidence concerning the alleged violation.

(b) A hearing conducted under this section must comply with the requirements under IC 4-21.5.

(c) If the board after a hearing determines that the activities that the person engaged in are subject to licensing under this chapter, the board may issue a cease and desist order that describes the person and activities that are the subject of the order.

(d) A cease and desist order issued under this section is enforceable in the circuit courts of Indiana.

(e) The attorney general, the board, or the prosecuting attorney of any county where a violation of section 21(b) of this chapter occurs may file an action in the name of the state for an injunction.

As added by P.L. 214-1993, SEC. 79.

INDIANA CODE § 25-30-1.5

Chapter 1.5. Repealed

(Transferred to IC 25-37.5 by Acts 1972, P.L. 11, SEC. 11.)

INDIANA CODE § 25-30-2

Chapter 2. Regulation of Polygraph Examiners by State Police

IC 25-30-2-1 Definitions

Sec. 1. As used in this chapter:

"Department" means the state police department established under IC 10-11-2-4.

"Polygraph examiner" means a person who is solely or partly engaged in the business of establishing the truth or falsity of any statement or representation, by means of a polygraph instrument.

"Polygraph instrument" means a device that permanently and simultaneously records, at a minimum, an individual's cardiovascular and respiratory patterns and galvanic skin responses in order to determine truthfulness.

As added by P.L. 250-1983, SEC. 2. Amended by P.L. 2-2003, SEC. 67.

IC 25-30-2-2 Certificate of competence; standards and procedures

Sec. 2. (a) The department shall issue a certificate of competence to operate a polygraph instrument to each individual who complies with the standards and procedures established by the department under subsection (b).

(b) The department shall, by rule adopted under IC 4-22-2, establish standards and procedures for granting certificates of competence to operate polygraph instruments. These standards and procedures may include one (1) or more of the following requirements:

- (1) Evidence which demonstrates that the applicant has successfully completed a course of formal training in the use of polygraph instruments.
- (2) Evidence which demonstrates the applicant's experience and competence in the operation of polygraph instruments.
- (3) A written examination.

As added by P.L. 250-1983, SEC. 2.

IC 25-30-2-3 Revocation of certificate

Sec. 3. The department may revoke a certificate issued under section 2 of this chapter if it determines that information given by an applicant was false.

As added by P.L. 250-1983, SEC. 2.

IC 25-30-2-4 Rules

Sec. 4. The department:

- (1) shall adopt rules under IC 25-1-8 to establish fees for the administration of this chapter; and
- (2) may adopt rules under IC 4-22-2 to provide any additional procedures necessary to implement this chapter.

As added by P.L. 250-1983, SEC. 2.

IC 25-30-2-5 Use of title; violation

Sec. 5. After December 31, 1983, an individual who has not received a certificate of competence to operate a polygraph instrument may not assume or use the title "certified polygraph examiner", "polygraph examiner", or "polygraph operator". A person who violates this section commits a Class C infraction.

As added by P.L. 250-1983, SEC. 2.

TITLE 25. PROFESSIONS AND OCCUPATIONS

INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

INDIANA CODE § 25-1-1

Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required

IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c. 124, s. 1; Acts 1941, c. 61, s. 1; Acts 1943, c. 124, s. 1; Acts 1953, c. 208, s. 1.) As amended by Acts 1978, P.L. 2, SEC. 2501.

IC 25-1-1-2 License defined

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c. 124, s. 2; Acts 1972, P.L. 183, SEC. 1.)

IC 25-1-1-3 Repealed

(Repealed by Acts 1978, P.L. 2, SEC. 2570.)

IC 25-1-1-4 Repealed

(Repealed by Acts 1978, P.L. 2, SEC. 2570.)

INDIANA CODE § 25-1-1.1

Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons

IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L. 249, SEC. 1.) As amended by Acts 1978, P.L. 2, SEC. 2502; P.L. 67-1990, SEC. 6.

IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L. 67-1990, SEC. 7. Amended by P.L. 1-1991, SEC. 162; P.L. 17-2001, SEC. 5; P.L. 151-2006, SEC. 10.

IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

As added by P.L. 67-1990, SEC. 8. Amended by P.L. 182-1991,

INDIANA CODE § 25-1-1.2

Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 1-2005, SEC. 191; P.L. 246-2005, SEC. 210.

IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 145-2006, SEC. 157.

IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 18.

IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L. 133-1995, SEC. 19.

IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 19; P.L. 1-1997, SEC. 109.

IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) requests the activation of an income withholding order under IC 31-16-15-2 and establishes a payment plan with the bureau to pay the arrearage; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage;

(C) request the activation of an income withholding order under IC 31-16-15-2; and

(D) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) That if the board is advised by the bureau that the

practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage and request the activation of an income withholding order under IC 31-16-15-2;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

As added by P.L. 133-1995, SEC. 19. Amended by P.L. 23-1996, SEC. 20; P.L. 1-1997, SEC. 110; P.L. 145-2006, SEC. 158.

IC 25-1-1.2-9 Repealed

(Repealed by P.L. 23-1996, SEC. 33.)

IC 25-1-1.2-10 Repealed

(Repealed by P.L. 23-1996, SEC. 33.)

INDIANA CODE § 25-1-2

Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration

IC 25-1-2-1 Declaration of intent

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefor, to require the payment of such fees for a period of two (2) years rather than for one (1) year. (Formerly: Acts 1961, c. 79, s. 1.) As amended by P.L. 1-1990, SEC. 246.

IC 25-1-2-2 Repealed

(Repealed by P.L. 1-1990, SEC. 247.)

IC 25-1-2-2.1 Two year or longer period for certain licenses

Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.

- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.

As added by P.L. 1-1990, SEC. 248. Amended by P.L. 186-1990, SEC. 1; P.L. 183-1991, SEC. 1; P.L. 182-1991, SEC. 2; P.L. 25-1992, SEC. 26; P.L. 227-1993, SEC. 2; P.L. 124-1994, SEC. 1; P.L. 234-1995, SEC. 1; P.L. 175-1997, SEC. 2; P.L. 147-1997, SEC. 5; P.L. 84-1998, SEC. 1; P.L. 54-2001, SEC. 3; P.L. 162-2002, SEC. 1; P.L. 145-2003, SEC. 1; P.L. 87-2005, SEC. 31.

IC 25-1-2-3 Authorization to issue and reissue two year licenses

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses.

(Formerly: Acts 1961, c. 79, s. 3.) As amended by Acts 1982, P.L. 154, SEC. 1.

IC 25-1-2-4 Rebates and proration of fees

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c. 79, s. 4.)

IC 25-1-2-5 Rules and regulations

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c. 79, s. 5.) As amended by Acts 1982, P.L. 154, SEC. 2.

IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

As added by Acts 1981, P.L. 221, SEC. 1. Amended by P.L. 137-1985, SEC. 5; P.L. 246-1985, SEC. 13; P.L. 169-1985, SEC. 22; P.L. 149-1987, SEC. 17; P.L. 5-1988, SEC. 132; P.L. 28-1988, SEC. 73; P.L. 242-1989, SEC. 4; P.L. 234-1989, SEC. 1; P.L. 238-1989, SEC. 4; P.L. 186-1990, SEC. 2; P.L. 183-1991, SEC. 2; P.L. 23-1991, SEC. 7; P.L. 48-1991, SEC. 12; P.L. 2-1992, SEC. 765; P.L. 227-

1993, SEC. 3; P.L. 33-1993, SEC. 9; P.L. 124-1994, SEC. 2; P.L. 175-1997, SEC. 3; P.L. 125-1997, SEC. 17; P.L. 147-1997, SEC. 6; P.L. 253-1997(ss), SEC. 22; P.L. 24-1999, SEC. 2; P.L. 82-2000, SEC. 2; P.L. 54-2001, SEC. 4; P.L. 162-2002, SEC. 2; P.L. 145-2003, SEC. 2.

IC 25-1-2-7 Application of IC 25-1-2-6

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L. 37-1985, SEC. 56.

IC 25-1-2-8 Application of chapter; fees

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

- IC 14-24-10
- IC 16-19-5-2
- IC 25-30-1-17
- IC 33-42-2-1.

As added by P.L. 5-1988, SEC. 133. Amended by P.L. 2-1993, SEC. 135; P.L. 1-1995, SEC. 69; P.L. 98-2004, SEC. 98.

IC 25-1-2-9 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

INDIANA CODE § 25-1-3

Chapter 3. Civil Immunity of Regulatory Agencies

IC 25-1-3-1 Definitions

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

IC 25-1-3-2 Extent of immunity from civil liability

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

IC 25-1-3-4 Regulatory boards covered

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.
(Formerly: Acts 1975, P.L. 268, SEC. 1.)

INDIANA CODE § 25-1-6

Chapter 6. Professional Licensing Agency

IC 25-1-6-1 Legislative intent

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation;
- (2) provide more services and carry out functions of superior quality; and
- (3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 2; P.L. 194-2005, SEC. 1.

IC 25-1-6-2 Definitions

Sec. 2. As used in this chapter:

"Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

"Licensing agency" means the Indiana professional licensing agency created by IC 25-1-5-3.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 3; P.L. 206-2005, SEC. 8.

IC 25-1-6-3 Indiana professional licensing agency; functions, duties, and responsibilities

Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 10; P.L. 132-1984, SEC. 4; P.L. 246-1985, SEC. 14; P.L. 257-1987, SEC. 14; P.L. 234-1989, SEC. 2; P.L. 186-1990, SEC. 4; P.L. 23-1991, SEC. 8; P.L. 48-1991, SEC. 15; P.L. 1-1992, SEC. 129; P.L. 30-1993, SEC. 4; P.L. 234-1995, SEC. 2; P.L. 82-2000, SEC. 3; P.L. 227-2001, SEC. 3; P.L. 162-2002, SEC. 3; P.L. 145-2003, SEC. 3; P.L. 194-2005, SEC. 2; P.L. 206-2005, SEC. 9.

IC 25-1-6-4 Additional duties and functions; staff

Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;

- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition, the licensing agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services.

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice must inform the holder of a license or certificate of the requirements to:

- (1) renew the license or certificate; and
- (2) pay the renewal fee.

(d) If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.

(e) The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:

- (1) meets the minimum requirements for licensure or certification; and
- (2) is not in violation of:
 - (A) the law regulating the applicant's profession; or
 - (B) rules adopted by the board regulating the applicant's profession.

(f) The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.
- (2) Renew the license or certificate upon satisfaction of all other requirements for renewal.
- (3) Renew the license and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board

may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

- (1) denied; or
- (2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may stagger license or certificate renewal cycles.

(k) An application for a license or certificate is abandoned without an action by the board if the applicant does not complete the requirements for obtaining the license or certificate not more than one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 5; P.L. 194-2005, SEC. 3.

IC 25-1-6-5 Executive director

Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.

(h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by Acts 1982, P.L. 113, SEC. 11; P.L. 132-1984, SEC. 6; P.L. 49-1997, SEC. 64; P.L. 194-2005, SEC. 4.

IC 25-1-6-5.5 Appeal of license renewal denial

Sec. 5.5. A person who has a license renewal denied by a board listed in section 3 of this chapter may file an appeal of the denial in accordance with IC 4-21.5-3.

As added by P.L. 227-2001, SEC. 4. Amended by P.L. 1-2002, SEC. 95; P.L. 194-2005, SEC. 5.

IC 25-1-6-6 Executive director; representatives; staff placement

Sec. 6. (a) The executive director shall designate certain employees of the licensing agency to represent the executive director of the licensing agency at board meetings, proceedings, or any other activities of a board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

As added by Acts 1981, P.L. 222, SEC. 3. Amended by P.L. 132-1984, SEC. 7.

IC 25-1-6-7 Repealed

(Repealed by P.L. 186-1990, SEC. 17.)

IC 25-1-6-8 Department of state revenue; access to names of licensees and applicants; persons on tax warrant list

Sec. 8. (a) The bureau and the boards may allow the department of state revenue access to the name of each person who:

- (1) is licensed under this chapter or IC 25-1-5; or
- (2) has applied for a license under this chapter or IC 25-1-5.

(b) If the department of state revenue notifies the licensing agency that a person is on the most recent tax warrant list, the licensing agency may not issue or renew the person's license until:

- (1) the person provides to the licensing agency a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the licensing agency receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L. 26-1985, SEC. 20. Amended by P.L. 332-1989(ss), SEC. 46; P.L. 2-2005, SEC. 63; P.L. 206-2005, SEC. 10.

IC 25-1-6-9 Repealed

(Repealed by P.L. 186-1990, SEC. 17.)

IC 25-1-6-10

Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

As added by P.L. 157-2006, SEC. 19.

INDIANA CODE § 25-1-7

Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations

IC 25-1-7-1 Definitions

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30.1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L. 222, SEC. 4. Amended by Acts 1982, P.L. 113, SEC. 12; P.L. 137-1985, SEC. 7; P.L. 246-1985, SEC. 15; P.L. 169-1985, SEC. 29; P.L. 149-1987, SEC. 21; P.L. 257-1987, SEC. 15; P.L. 242-1989, SEC. 6; P.L. 234-1989, SEC. 3; P.L. 238-1989, SEC. 6; P.L. 1-1990, SEC. 249; P.L. 186-1990, SEC. 5; P.L. 183-

1991, SEC. 3; P.L. 23-1991, SEC. 9; P.L. 48-1991, SEC. 16; P.L. 1-1992, SEC. 130; P.L. 30-1993, SEC. 5; P.L. 227-1993, SEC. 5; P.L. 213-1993, SEC. 2; P.L. 8-1993, SEC. 371; P.L. 33-1993, SEC. 11; P.L. 1-1994, SEC. 120; P.L. 124-1994, SEC. 4; P.L. 234-1995, SEC. 3; P.L. 175-1997, SEC. 5; P.L. 147-1997, SEC. 8; P.L. 84-1998, SEC. 3; P.L. 24-1999, SEC. 4; P.L. 82-2000, SEC. 4; P.L. 162-2002, SEC. 4; P.L. 145-2003, SEC. 4.

IC 25-1-7-2 Duties of attorney general

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

As added by Acts 1981, P.L. 222, SEC. 4.

IC 25-1-7-3 Investigation of complaints

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

As added by Acts 1981, P.L. 222, SEC. 4.

IC 25-1-7-4 Complaints; requisites; standing

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

As added by Acts 1981, P.L. 222, SEC. 4.

IC 25-1-7-5 Duties and powers of director

Sec. 5. (a) Subsection (b)(1) does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
- (B) the Indiana professional licensing agency; or

(2) a complaint filed under IC 25-1-5-4.

(b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 22-1999, SEC. 2; P.L. 14-2000, SEC. 55; P.L. 206-2005, SEC. 11.

IC 25-1-7-6 Statement of settlement; period of time to resolve

Sec. 6. (a) This section does not apply to:

(1) a complaint filed by:

- (A) a member of any of the boards listed in section 1 of this chapter; or
 - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant

that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.
As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 22-1999, SEC. 3; P.L. 206-2005, SEC. 12.

IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.
As added by Acts 1981, P.L. 222, SEC. 4.

IC 25-1-7-8 Witnesses

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.
As added by Acts 1981, P.L. 222, SEC. 4.

IC 25-1-7-9 Disqualification of board member

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5).
As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 181-2002, SEC. 1.

IC 25-1-7-10 Confidentiality of complaints and information

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the state board of nursing may disclose to the coordinated licensure information system (as defined by IC 25-23.2-1-4) complaints and information concerning complaints that the board determines to be current significant investigative information (as defined by IC 25-23.2-1-5).

As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 181-2002, SEC. 2.

IC 25-1-7-11 Administrative orders and procedures

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

As added by Acts 1981, P.L. 222, SEC. 4. Amended by P.L. 7-1987, SEC. 110.

IC 25-1-7-12 Reimbursement of attorney general

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

As added by P.L. 255-1987, SEC. 1.

IC 25-1-7-13 Reports; contents

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

As added by P.L. 177-1997, SEC. 1.

INDIANA CODE § 25-1-8

Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees

IC 25-1-8-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5.1-1-3).

- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) Any other occupational or professional agency created after June 30, 1981.

As added by Acts 1981, P.L. 223, SEC. 1. Amended by P.L. 250-1983, SEC. 1; P.L. 246-1985, SEC. 16; P.L. 169-1985, SEC. 30; P.L. 19-1986, SEC. 42; P.L. 149-1987, SEC. 22; P.L. 257-1987, SEC. 16; P.L. 3-1989, SEC. 144; P.L. 234-1989, SEC. 4; P.L. 186-1990, SEC. 6; P.L. 183-1991, SEC. 4; P.L. 23-1991, SEC. 10; P.L. 48-1991, SEC. 17; P.L. 1-1992, SEC. 131; P.L. 30-1993, SEC. 6; P.L. 33-1993, SEC. 12; P.L. 213-1993, SEC. 3; P.L. 227-1993, SEC. 6; P.L. 1-1994, SEC. 121; P.L. 124-1995, SEC. 5; P.L. 234-1995, SEC. 4; P.L. 147-1997, SEC. 9; P.L. 84-1998, SEC. 4; P.L. 24-1999, SEC. 5; P.L. 82-2000, SEC. 5; P.L. 162-2002, SEC. 5; P.L. 2-2003, SEC. 64; P.L. 145-2003, SEC. 5.

IC 25-1-8-1.1 Repealed

(Repealed by P.L. 19-1986, SEC. 43.)

IC 25-1-8-2 Fees; establishment and collection

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

As added by Acts 1981, P.L. 223, SEC. 1. Amended by Acts 1982,

P.L. 113, SEC. 13; P.L. 169-1985, SEC. 31; P.L. 48-1991, SEC. 18; P.L. 33-1993, SEC. 13; P.L. 235-1995, SEC. 1.

IC 25-1-8-3 Quadrennial license or registration cycle; refunds

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.
As added by Acts 1982, P.L. 113, SEC. 14.

IC 25-1-8-4 Quadrennial license renewal system

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.
As added by P.L. 234-1983, SEC. 3.

IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration. The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

As added by P.L. 169-1985, SEC. 32. Amended by P.L. 152-1988, SEC. 5; P.L. 48-1991, SEC. 19.

IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).

- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23.1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

As added by P.L. 269-2001, SEC. 5. Amended by P.L. 206-2005, SEC. 13; P.L. 157-2006, SEC. 20.

IC 25-1-8-7 Repealed

(Repealed by P.L. 157-2006, SEC. 76.)

Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 2-1995, SEC. 93; P.L. 234-1995, SEC. 5; P.L. 82-2000, SEC. 6; P.L. 162-2002, SEC. 6.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 236-1995, SEC. 2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities; or
 - (C) advertised services or goods in a false or misleading manner;
- (2) a practitioner has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

- (A) professional incompetence;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.

(d) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7) or subsection (c).

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 84-1998, SEC. 6; P.L. 113-1999, SEC. 1.

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-9.5 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 1. Amended by P.L. 194-2005, SEC. 7.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the board;
- (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

(6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 32-2000, SEC. 12.

IC 25-1-11-13 Summary suspension of practitioners

Sec. 13. The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 2.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 178-1997, SEC. 3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L. 214-1993, SEC. 1.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges

As added by P.L. 214-1993, SEC. 1. Amended by P.L. 194-2005, SEC. 8.

IC 25-1-11-19 Refusal of licensure or granting of probationary license

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.
- (b) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:
 - (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
 - (2) Limit practice to the areas prescribed by the board.
 - (3) Continue or renew professional education requirements.
 - (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
 - (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.
- (c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a

public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L. 194-2005, SEC. 9.

IC 25-1-11-20 Applicant appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L. 194-2005, SEC. 10.

INDIANA CODE § 25-1-12**Chapter 12. Renewal of Licenses Held by Individuals in Military Service****IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 15, IC 16, or IC 22; and
- (2) is called to active duty.

As added by P.L. 88-2004, SEC. 2.

IC 25-1-12-2 "Active duty" defined

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

As added by P.L. 88-2004, SEC. 2.

IC 25-1-12-3 "Armed forces of the United States" defined

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or
- (6) the merchant marine.

As added by P.L. 88-2004, SEC. 2. Amended by P.L. 2-2005, SEC. 64.

IC 25-1-12-4 "National guard" defined

Sec. 4. As used in this chapter, "national guard" means:

- (1) the Indiana army national guard; or
- (2) the Indiana air national guard.

As added by P.L. 88-2004, SEC. 2.

IC 25-1-12-5 "Practitioner" defined

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued under this title or IC 15, IC 16, or IC 22.

As added by P.L. 88-2004, SEC. 2.

IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:

- (1) renew; and
- (2) complete the continuing education required by;

the practitioner's license, certificate, registration, or permit.

(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):

- (1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.
- (2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.
- (3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:
 - (A) discharge; or
 - (B) government movement orders;
 to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.
- (c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.
- (d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.

As added by P.L. 88-2004, SEC. 2. Amended by P.L. 2-2005, SEC. 65.

IC 25-1-12-7 Waiver of late fees

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.

As added by P.L. 88-2004, SEC. 2.

IC 25-1-12-8 Construction with federal law

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:

- (1) the armed forces of the United States; or
- (2) the national guard;

under federal law.

As added by P.L. 88-2004, SEC. 2.

Non-Code Provisions under Public Law 206-2005

P.L. 206-2005, SECTION 16

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

P.L. 206-2005, SECTION 17

(a) The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to make conforming statutory changes, as needed, to reconcile the statutes with this act.

(b) This SECTION expires June 30, 2007.

TITLE 862 PRIVATE DETECTIVES LICENSING BOARD

ARTICLE 1. Private Detectives

Rule 1. General Provisions

862 IAC 1-1-1 Definitions

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-2

Sec. 1. All terms defined in the Detective License Law (IC 25-30) shall have the same meaning when used in this title. (*Private Detectives Licensing Board; Private Detective License Law Rule I; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 879; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-1) to Private Detectives Licensing Board (862 IAC 1-1-1) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-2 Forms

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-7; IC 25-30-1-10

Sec. 2. (a) All applications for a license as a private detective shall be submitted on a form as prescribed by the board.

(b) The identification card, furnished to each employee of a licensee, except office employees, under IC 25-30-1-10(d) shall be surrendered by the employee to the licensee upon termination of employment or termination of license for any reason. The licensee shall forward such card to the board for cancellation within five (5) days of its surrender.

(*Private Detectives Licensing Board; Private Detective License Law Rule II; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 879; errata filed Jan 11, 1995, 3:45 p.m.: 18 IR 1481; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237*)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-2) to Private Detectives Licensing Board (862 IAC 1-1-2) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-3 Experience requirement

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 3. (a) This section establishes the experience requirements under IC 25-30-1-8(a)(3) for a private detective license. All individual applicants, at least one (1) individual of a partnership applicant, and at least one (1) officer of a corporate applicant must meet the requirements in this section.

(b) The experience requirements shall be two (2) years of experience as verified by four thousand (4,000) hours of employment in any of the following areas or combination of areas:

- (1) In private detective work having been issued an identification card as an employee under a licensee.

- (2) As an investigator for the United States Department of Justice or for the United States Department of the Treasury.
- (3) As a criminal investigator with the Armed Forces of the United States.
- (4) As a sheriff's investigator.
- (5) As a railroad detective.
- (6) As a claims investigator for an insurance company.
- (7) As a licensed and practicing attorney at law or as an investigator for a practicing attorney.
- (8) As a police officer for any federal, state, or local unit of government.
- (9) As a full-time manager or administrator for a licensed private security contractor agency or as a manager or administrator of a proprietary security force of twenty (20) or a lesser number with equivalent experience as determined by the board.

(Private Detectives Licensing Board; Private Detective License Law Rule III; filed Feb 5, 1979, 2:45 p.m.: 2 IR 299; filed Nov 15, 1994, 10:40 a.m.: 18 IR 880; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237; filed Jul 22, 2004, 10:00 a.m.: 27 IR 4020)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-3) to Private Detectives Licensing Board (862 IAC 1-1-3) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-4 Violation of private detective license law; effect on application

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 4. The board may not consider an application for a private detective license if the applicant or an officer or partner of the applicant under IC 25-30-1-8(b), has acted as a private detective agency in violation of the private detective license law or this title within a period of two (2) years prior to the date of the applicant's application nor shall any such time be considered in determining required experience under section 3 of this rule.

(Private Detectives Licensing Board; Private Detective License Law Rule V; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 880; errata filed Jan 11, 1995, 3:45 p.m.: 18 IR 1481; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-5) to Private Detectives Licensing Board (862 IAC 1-1-4) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-5 Employee identification card

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-11

Sec. 5. Before any employee of a licensee, except office employees, may perform any duty on behalf of a licensee, or engage in any manner in the conduct of the business of the licensee in Indiana, the employee must be in receipt of an identification card issued by the board.

(Private Detectives Licensing Board; Private Detective License Law Rule VI; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-6) to Private Detectives Licensing Board (862 IAC 1-1-5) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-6 Advertising

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-13; IC 35-43-4-3; IC 35-43-5-3

Sec. 6. (a) Any advertisement by a licensee, or by any employee, member, officer, director, or manager of a licensee, must contain the full name, business address, and license number of the licensee as they appear in the records of the board. Such advertising shall include, but is not limited to, the following:

- (1) Business cards.
- (2) Identification cards.
- (3) Letterhead.
- (4) Invoices.
- (5) Other forms that may be used to advertise the licensee's business.

(b) No written or verbal advertisement by any licensee, or by any employee, member, officer, director, or manager of a licensee, shall contain any inference that the licensee or any such person is connected with or in any manner represents any local, state, or federal law enforcement agency.

(c) This section shall not be construed to prevent the proper use of the forms and cards authorized by the private detective license law and this article or any other legitimate advertising, but is intended solely for the purpose of preventing misleading or false advertising within the meaning and intent of IC 35-43-4-3 and IC 35-43-5-3.

(Private Detectives Licensing Board; Private Detective License Law Rule VII; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237; filed May 27, 2003, 11:05 a.m.: 26 IR 3341)

NOTE: Transferred from State Police Department (240 IAC 4.1-1-7) to Private Detectives Licensing Board (862 IAC 1-1-6) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-7 Nonresident applicants

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-14

Sec. 7. (a) All persons who are licensed to conduct private detective business in any state other than Indiana, who apply for an Indiana private detective license, shall furnish to the board, in addition to all other forms and documents required under IC 25-30 or this title, the following:

- (1) A photostatic copy of the current private detective license from each state other than Indiana in which such applicant is licensed to conduct private detective business.
- (2) A letter from the licensing authority for private detectives in each state in which licensed to conduct private detective business stating that such applicant is in good standing in that state or in those states.

(b) An out-of-state licensee must have a resident licensee as required by IC 25-30-1-14.

(c) The obligation of the resident licensee under IC 25-30-1-14(c) shall be completed within five (5) business days of the termination of the resident licensee's relationship with the out-of-state licensee.

(d) An out-of-state licensee must obtain a new resident licensee within sixty (60) days of the termination of the relationship with the previous resident licensee, and the new resident licensee must comply with IC 25-30-1-14(b)(2).

(Private Detectives Licensing Board; Private Detective

License Law Rule VIII; filed Feb 5, 1979, 2:45 p.m.: 2 IR 300; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237)
NOTE: Transferred from State Police Department (240 IAC 4.1-1-8) to Private Detectives Licensing Board (862 IAC 1-1-7) by P.L.234-1989, SECTION 25, effective July 1, 1989.

862 IAC 1-1-8 Payment of license fee (Repealed)

Sec. 8. (Repealed by Private Detectives Licensing Board; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881)

862 IAC 1-1-9 Names of licensees; limitations (Repealed)

Sec. 9. (Repealed by Private Detectives Licensing Board; filed Nov 15, 1994, 10:40 a.m.: 18 IR 881)

862 IAC 1-1-10 Four year degree required

Authority: IC 25-30-1-5.5

Affected: IC 25-30-1-8

Sec. 10. The provision in IC 25-30-1-8 referring to a degree in criminal justice shall be interpreted to mean a bachelor's degree in criminal justice. (Private Detectives Licensing Board; 862 IAC 1-1-10; filed Jul 17, 1998, 3:04 p.m.: 21 IR 4536; readopted filed May 22, 2001, 9:54 a.m.: 24 IR 3237)
